

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE ENROLLED ACT No. 1329

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-21.5-3-4, AS AMENDED BY P.L.54-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Notice must be given under this section concerning the following:

- (1) The grant, renewal, restoration, transfer, or denial of a license by the bureau of motor vehicles under IC 9.
- (2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.
- (3) The grant, renewal, restoration, transfer, or denial of a license by a board described in IC 25-1-8-1.
- (4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.
- (5) A personnel decision by an agency.
- (6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:
 - (A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:
 - (i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in



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IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or
(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water ~~supply system~~ (as defined in ~~IC 13-11-2-177~~) **IC 13-11-2-177.3**) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water ~~supply system~~;
system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

- (i) A solid waste incinerator or a waste to energy facility.
- (ii) A land disposal site.
- (iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

- (1) Each person to whom the order is specifically directed.
- (2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

- (1) A brief description of the order.
- (2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
- (3) Any information required by law.

(d) An order under this section is effective when it is served.



However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 2. IC 13-11-2-108, AS AMENDED BY P.L.72-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 108. "Industrial permit", for purposes of IC 13-14-8-11.6 and IC 13-18-20, refers to a National Pollutant Discharge Elimination System (NPDES) permit other than a permit issued to any of the following:

- (1) a municipal facility;
- (2) a state facility;
- (3) a federal facility;
- (4) a semipublic facility;
- (5) a public water ~~supply~~ **system** facility; or
- (6) a facility for storm water discharge.

SECTION 3. IC 13-11-2-177.3, AS AMENDED BY P.L.14-2000, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 177.3. "Public water system", for purposes of this chapter, ~~and IC 13-18-11, IC 13-18-21, and other environmental management laws,~~ has the meaning set forth in 42 U.S.C. 300f.

SECTION 4. IC 13-11-2-259 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 259. "Water distribution system", for purposes of IC 13-18-11 and environmental

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management laws, means that part of the **public** water ~~supply~~ system in which water is conveyed from the water treatment plant to the premises of the consumer.

SECTION 5. IC 13-11-2-264 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 264. "Water treatment plant", for purposes of IC 13-18-11 and environmental management laws, means that part of the **public** water ~~supply~~ system that provides the water or in some way alters the physical, chemical, or bacteriological quality of the water.

SECTION 6. IC 13-15-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) If an applicant is operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit under IC 13-15-3-6, the applicant may proceed under this section after notifying the commissioner in writing of its intent to do so.**

(b) If the commissioner does not issue or deny a permit within the time specified under sections 1 through 6 of this chapter, the applicant may proceed under this section. ~~Except as provided in section 12 of this chapter,~~ After reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement, the applicant may choose to proceed under one (1) of the following alternatives:

- (1) The:
 - (A) applicant may request and receive a refund of a permit application fee paid by the applicant; and
 - (B) commissioner shall do the following:
 - (i) Continue to review the application.
 - (ii) Approve or deny the application as soon as practicable.
 - (iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.
- (2) The:
 - (A) applicant may:
 - (i) request and receive a refund of a permit application fee paid by the applicant; and
 - (ii) submit to the department a draft permit and any required supporting technical justification for the permit; and
 - (B) commissioner shall do the following:
 - (i) Review the draft permit.
 - (ii) Approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.



(iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(3) The:

(A) applicant may ~~require that the department use the permit application fee; and any additional money needed to hire an~~ outside consultant to prepare a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall:

(i) review the draft permit; and

(ii) approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

~~If additional money is needed to hire an outside consultant under this subdivision, the applicant shall pay the additional money needed to hire the outside consultant.~~

SECTION 7. IC 13-15-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **Except for applicants proceeding under section 11(a) of this chapter,** an applicant may not proceed under any of the options described in ~~section 11(b)~~ **section 11(b)** of this chapter if construction or operation of the equipment or facility described in the permit application has already begun, unless construction or operation before obtaining the permit is authorized by a board rule or state statute.

SECTION 8. IC 13-15-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If an applicant chooses to proceed under ~~section 11(b)(3)~~ **section 11(b)(3)** of this chapter, the department **and the applicant** shall **jointly**:

(1) select a consultant that has the appropriate background to review the applicant's application; and

(2) authorize the consultant to begin work;

not later than fifteen (15) working days after the department receives notice that the applicant has chosen to proceed under ~~section 11(b)(3)~~ **section 11(b)(3)** of this chapter.

(b) The commissioner may:

(1) consult with the applicant regarding the advisability of proceeding under this section; and

(2) document the communications.

SECTION 9. IC 13-15-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an applicant chooses to proceed under ~~section 11(2) or 11(3)~~ **section 11(b)(2) or 11(b)(3)** of this chapter, the applicant or a consultant shall prepare and submit to the commissioner the draft permit and any

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required supporting technical justification for the permit not later than thirty-five (35) working days after:

- (1) the applicant has notified the commissioner that the applicant has chosen to proceed under ~~section 11(2)~~ **section 11(b)(2)** of this chapter; or
- (2) the department ~~has~~ **and the applicant have** authorized a consultant to begin work under ~~section 11(3)~~ **section 11(b)(3)** of this chapter.

(b) Subject to subsection (c), the commissioner shall:

- (1) approve, with or without revision; or
- (2) deny;

the draft permit not later than twenty-five (25) working days after receiving the draft permit.

(c) If notice of opportunity for public comment or public hearing is required under applicable law before a permit decision can be issued, the commissioner shall comply with all public participation requirements and:

- (1) approve, with or without revision; or
- (2) deny;

the draft permit not later than fifty-five (55) working days after receipt of the draft permit.

(d) If the commissioner denies the draft permit, the commissioner shall specify the reasons for the denial.

(e) If an applicant has elected to have a draft permit prepared under ~~section 11(3)~~ **section 11(b)(3)** of this chapter and:

- (1) the consultant fails to submit a draft permit and supporting technical justification to the commissioner; or
- (2) the commissioner fails to approve or deny the draft permit;

within the applicable time specified under subsection (a), (b), or (c), the department shall refund the applicant's permit application fee not later than twenty-five (25) working days after expiration of the applicable period.

(f) The commissioner and the applicant may mutually agree to extend the deadlines in this section.

SECTION 10. IC 13-15-4-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19. Before July 15 of each year, the commissioner shall provide to the environmental quality service council a list, current through July 1 of the year, of National Pollutant Discharge Elimination System (NPDES) permits that have been administratively extended that includes for each permit:**



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- (1) the number of months that the permit has been administratively extended;
- (2) the number of months that the department has extended a period under section 8 of this chapter or suspended processing of a permit application under section 10 of this chapter;
- (3) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and
- (4) the dates when public notice of a draft permit was given.

SECTION 11. IC 13-15-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This chapter applies to an application for a permit issued under IC 13-15-1 upon property:

- (1) that is undeveloped; or
- (2) for which a valid existing permit has not been issued.

(b) This chapter does not apply to an application for a permit issued under IC 13-15-1 if the permit is for the construction, installation, or modification of any of the following:

- (1) A combined sewer.
- (2) A sanitary sewer.
- (3) A storm sewer.
- (4) A public water ~~supply~~ system.
- (5) A water main extension.

SECTION 12. IC 13-15-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before September 1 of each even-numbered year, the department shall report to the environmental quality service council:

- (1) the department's proposed distribution of funds among the programs referred to in section 1 of this chapter for the current state fiscal year;
- (2) the department's rationale for the proposed distribution;
- (3) any difference between:
 - (A) the proposed distribution; and
 - (B) the distribution made by the department in the immediately preceding state fiscal year; and
- (4) the results of an independent audit of the correlation between:
 - (A) the distribution made by the department with respect to; and
 - (B) the department's actual expenses related to;
 each program referred to in section 1 of this chapter in the



immediately preceding state fiscal year.

SECTION 13. IC 13-18-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) When a vacancy in a position of operator occurs due to death, resignation, extended illness, or a similar cause, the vacancy may be filled for a period not exceeding one (1) year by an operator with a provisional certification.

(b) On written request of the governing body or owner of a wastewater or **public water supply** system, the commissioner may issue a provisional certification under subsection (a) to a person with the required education and experience qualifications, until the person has had an opportunity to qualify by examination and be certified under this chapter.

SECTION 14. IC 13-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A permit is required for the construction, installation, or modification of:

- (1) sources;
- (2) facilities;
- (3) equipment; or
- (4) devices;

of a public water **supply system**, including water distribution systems.

(b) Plans and specifications for the construction, installation, or modification of sources, facilities, equipment, or devices of a public water **supply system** must be submitted to the commissioner with a permit application. The plans and specifications must be complete and of sufficient detail to show all proposed construction, changes, or modifications that may affect the sanitary quality, chemical quality, or adequacy of the public water **supply system** involved. The applicant shall supply any additional data or material considered appropriate by the commissioner to a review of the plans and specifications.

(c) Unless otherwise provided in rules adopted under section 8(b) of this chapter, plans and specifications must be submitted to the commissioner with the permit application for water distribution systems.

(d) Construction, installation, or modification of a public water **supply system** may not begin until the commissioner has issued a permit under subsection (a).

(e) In determining whether to issue a permit under this section, the commissioner shall proceed under IC 13-15.

SECTION 15. IC 13-18-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Plans and specifications submitted to the commissioner under section 1 of this chapter shall be approved if it is determined that the plans and

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specifications meet all of the following conditions:

- (1) The plans and specifications are satisfactory with respect to the following:
 - (A) Sanitary quality, including chlorination, if required.
 - (B) Chemical quality.
 - (C) Adequacy of the water supply.
- (2) The plans and specifications meet the requirements of any rules or standards adopted by the board under section 8 of this chapter governing the location, design, construction, and operation and maintenance of:
 - (A) public water ~~supply~~ **system** installations; and
 - (B) changes or additions to public water ~~supply~~ **system** installations.

SECTION 16. IC 13-18-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) All public water ~~supplies~~ **systems** shall be continuously operated and maintained so that water is:

- (1) safe in quality;
- (2) clean and adequate in quantity; and
- (3) chemically satisfactory for ordinary domestic consumption.

(b) The person responsible for the operation of a public water ~~supply~~ **system** shall take all measures that are necessary to carry out the requirements of subsection (a) so as to protect the quality and quantity of the raw water supply from actual or threatened contamination. These measures include the relocation of the point of raw water collection to a site that is not contaminated or threatened by contamination.

(c) The failure to carry out a duty set forth in subsection (a) or (b) constitutes a violation subject to the penalties imposed under this chapter. Each day a violation occurs under this section constitutes a separate violation.

SECTION 17. IC 13-18-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. A person responsible for the operation of public water ~~supplies~~ **systems** shall submit:

- (1) samples of water for analysis; and
- (2) reports of operation pertaining to the sanitary quality, chemical quality, or adequacy of **water supplied by** those ~~supplies; systems;~~

that the commissioner requests. The operator certified under IC 13-18-11 must verify under oath the reports of operation.

SECTION 18. IC 13-18-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The board shall

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adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for the issuance of permits to control public water ~~supplies, systems,~~ including the following:

- (1) Permits for the construction, installation, or modification of facilities, equipment, or devices for any public water ~~supply~~ **system.**
- (2) Permits for the operation of sources, facilities, equipment, or devices for any public water ~~supply~~ **system.**
- (b) The board shall adopt a permit by rule for water main extensions (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in section 1(a) of this chapter.

SECTION 19. IC 13-18-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. The department shall conduct a program of continuing surveillance and inspection of public water ~~supplies systems~~ and technical assistance in connection with public water ~~supplies~~ **systems.**

SECTION 20. IC 13-18-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The department shall encourage and advise units of local government in developing programs and facilities for public water ~~supplies~~ **systems.**

SECTION 21. IC 13-18-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. A person may not:

- (1) install or contract for the construction of any public water ~~supply system~~ facilities, including water purification or treatment works; or
- (2) make any material change in any public water ~~supply system~~ facilities;

until a permit has been issued by the commissioner.

SECTION 22. IC 13-18-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) The commissioner may investigate and determine whether any public water ~~supply system~~ is **providing water that is** impure and dangerous to **public** health. If the commissioner determines that ~~a public the~~ water supply:

- (1) is impure and dangerous to public health; or
- (2) is not sufficiently purified because of improper construction, inadequate size, or inefficient management or operation;

the commissioner may under IC 13-30-3-10 through IC 13-30-3-12 order that the ~~public~~ water supply be made pure and safe to health.

(b) If the commissioner determines under subsection (a) that a ~~public~~ water supply is impure and dangerous to public health because of inefficient management or operation **of the public water system**

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providing the water, the commissioner may order the person responsible for the public water **supply system** to appoint, not later than fifteen (15) days after the commissioner's determination, a competent person to take charge of and superintend the operation of the water **supply system** plant or works.

(c) The commissioner must approve the person appointed in response to the commissioner's order under subsection (b). However, the person responsible for the water **supply system** plant or works shall pay the salary of the person appointed.

SECTION 23. IC 13-18-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

(c) The department shall establish and operate a program of education and assistance to local officials in developing and managing well field protection zones.

(d) The rules adopted under subsection (a) or any zoning under IC 36-7 to establish protection zones around community water system wells may not restrict any activity by:

- (1) an owner of land;
- (2) a mineral owner; or
- (3) a mineral leaseholder of record;

unless the owner or leaseholder is sent written notice of, and has an opportunity to be heard on, the establishment of the zone and the construction of the community **public** water **supply** system that caused the establishment of the zone.

(e) A person that requests a permit for construction of a community water system or establishment of a well field protection zone is responsible for any notice requirements the board establishes.

SECTION 24. IC 13-18-20-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. For public water **supply system** permits, the annual base fee per facility is:

- (1) one thousand dollars (\$1,000) for a major permit; and
- (2) four hundred dollars (\$400) for a minor permit;

plus the following annual discharge flow fee per facility based on projected daily average flow in MGD as set forth in a facility NPDES permit:

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Projected Daily Average

Flow in MGD	Fee
.001 - .05	\$240
.051 - .1	\$360
.101 - .2	\$840
.201 - .3	\$1,200
.301 - .5	\$1,680
.501 - 1.0	\$2,060
1.001 - 2.0	\$3,600
2.001 - 5.0	\$5,400
5.001 - 10.0	\$8,400
10.001 - 15.0	\$12,000
15.001 - 30.0	\$16,800
30.001 - 50.0	\$22,800
50.001 - 100.0	\$28,800
> 100.0	\$34,800

SECTION 25. IC 13-18-21-3, AS AMENDED BY P.L.132-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Money in the fund may be used to do the following:

(1) Provide loans or other financial assistance to participants for the:

- (A) planning;
- (B) designing;
- (C) construction;
- (D) renovation;
- (E) improvement;
- (F) expansion; or
- (G) any combination of clauses (A) through (F);

for public water systems that will facilitate compliance with national primary drinking water regulations applicable to public water systems under the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and other activities necessary or convenient to complete these tasks.

(2) Except as provided in the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), pay the cost of administering the fund and the program.

(3) Conduct all other activities that are allowed by the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(b) Notwithstanding section 2(g) of this chapter, if an adequate state

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match is available, the department and the budget agency ~~shall~~ **may** use **not more than** two percent (2%) of the funds allotted to the state under 42 U.S.C. 300j-12 to provide technical assistance to participants for public water systems serving not more than ten thousand (10,000) persons in Indiana. The department and the budget agency may jointly contract with a person or persons to provide the technical assistance. Funds used under this subsection may not be used for enforcement actions.

(c) To the extent permitted by this chapter, fifteen percent (15%) of the amount credited to the fund in a state fiscal year shall be available solely for providing loan assistance to participants for public water systems regularly serving less than ten thousand (10,000) persons in Indiana to the extent that the money can be obligated for eligible projects under the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(d) To avoid the loss of money allotted to the state under 42 U.S.C. 300j-12 et seq., the budget agency and the department shall develop and implement a strategy to assist participants in acquiring and maintaining technical, managerial, and financial capacity as contemplated by 42 U.S.C. 300g-9. This is all the legal authority required by the state for the budget agency and the department to ensure that all new community water systems and new nontransient, noncommunity water systems, as contemplated by the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), commencing operations after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each federal primary drinking water regulation in effect on the date operations commence. The department has primary responsibility to carry out this subsection.

(e) This chapter does not require the budget agency to provide a loan or other financial assistance to any participant that would cause any bonds or other obligations issued to finance the program to lose their exemption from federal income taxation.

SECTION 26. IC 13-27.5-1-2, AS AMENDED BY P.L.248-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The board consists of thirteen (13) members.

(b) The commissioner and the president of the Indiana economic development council established under IC 4-3-14 shall serve as ex officio nonvoting members of the board. The commissioner or the president may in writing designate a technical representative to serve as a nonvoting member of the board when the commissioner or the president is absent from a meeting of the board.



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(c) The governor shall appoint eleven (11) members of the board as follows:

- (1) ~~Two (2)~~ **One (1) representative** of public ~~or private~~ universities in Indiana. ~~one (1) of whom must have expertise in occupational health and the workplace environment.~~
- (2) **One (1) representative of private universities in Indiana.**
- (3) Three (3) representatives of manufacturers, including one (1) representative of small manufacturers.
- ~~(3)~~ (4) One (1) representative of a statewide environmental organization.
- ~~(4)~~ (5) One (1) representative of organized labor.
- ~~(5)~~ (6) One (1) representative of the public.
- ~~(6)~~ (7) One (1) representative of county government.
- ~~(7)~~ (8) One (1) representative of municipal government.
- ~~(8)~~ (9) One (1) representative who must have expertise in occupational health and the workplace environment.

(d) To be appointed as a member of the board under subsection (c), an individual must demonstrate a knowledge of policy or of technical matters concerning multimedia clean manufacturing.

(e) ~~Neither An~~ individual appointed to the board under subsection (c)(1) ~~or (c)(2)~~ may **not** represent a university that is selected to establish the Indiana clean manufacturing technology and safe materials institute under ~~IC 13-27.5-3.~~ **IC 13-27.5-2.**

SECTION 27. IC 16-41-27-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. A mobile home park shall provide a water supply through the use of a public water ~~supply~~ system if the water supply is reasonably available within a reasonable distance from the mobile home park. A mobile home park is not required to use a public water ~~supply system~~ if the water system is more than two thousand (2,000) feet from the mobile home park. If a public water ~~supply~~ system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the water pollution control board.

SECTION 28. IC 16-41-27-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) The construction of a new mobile home park or alteration of an existing mobile home park shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A **public** water ~~supply~~ system may not be constructed or altered in a new or existing mobile home park until plans for the construction or alteration have been forwarded to and approved by the

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environmental commissioner under rules adopted by the water board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home park until:

(1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and

(2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 13-11-2-177; IC 13-11-2-263.

SECTION 30. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 13-15-4-12; IC 13-15-4-13.

SECTION 31. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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